

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TRUSTEES OF THE OPERATING
ENGINEERS PENSION TRUST, *et al.*,

Plaintiffs,

v.

WESTERN EXPLOSIVES SYSTEMS
COMPANY,

Defendant.

Case No. 2:18-cv-00805-JCM-GWF

ORDER

This matter is before the Court on Plaintiff's Motion for Order to Show Cause (ECF No. 14), filed on September 26, 2018. No party has filed an opposition and the time for response has now expired.

On September 10, 2018, the Court granted Plaintiffs' motion to compel and instructed Defendant Western Explosives Systems Company ("WESCO") to serve its answers to Plaintiffs' First Set of Interrogatories and responses to Request for Production within fourteen days of the issuance of the order. *See* ECF No. 12. The Court also granted Plaintiffs request for an award of reasonable attorney's fees and costs incurred in filing its motion to compel and instructed Plaintiff to file a memorandum in support of fees and costs. On September 26, 2018, Plaintiffs filed a memorandum in support of fees and costs. ECF No. 13.

The instant motion is premised on two arguments. First, that WESCO should be summoned before the Court to explain its continued non-compliance, and second that Plaintiffs' be awarded attorney's fees and costs incurred in having to prepare the motion. ECF No. 14. The Court agrees with Plaintiffs. To date, Defendant WESCO has failed to comply with this

1 Court's order requiring it to answer Plaintiffs' discovery requests. Nor has Defendant filed
2 response to Plaintiffs' instant motion. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Order to Show Cause (ECF No.
4 14) is **granted**. Plaintiffs' shall have **ten (10) days** from the entry of this Order to file its
5 Memorandum in Support of Fees and Costs.

6 **IT IS FURTHER ORDERED** that Defendants shall show cause, in writing, no later than
7 **November 1, 2018**, why sanctions should not be imposed for failure to comply with this Court's
8 Order.

9 Dated this 17th day of October, 2018.

10
11 

12 GEORGE FOLEY, JR.
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28